

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	NO. _____
)	
_____)	

PETITION TO ENTER A PLEA OF GUILTY

I, _____,
respectfully represent to the court as follows:

(1) My true full name is _____,
_____ . I was born on _____,
and completed _____ years of formal education.

(2) My _____ (retained/court-appointed)
lawyer is _____.

(3) I have received a copy of the _____
(indictment/information) before being called upon to plead and
have read and discussed it with my lawyer, and believe and feel
that I understand every accusation made against me in the

(indictment/information).

(4) I have told my lawyer the facts and surrounding
circumstances concerning the matters mentioned in the

(indictment/information) and believe and
feel that my lawyer knows enough about my case to render me
effective assistance. My lawyer has counseled and advised with
me as to the nature and cause of every accusation against me.
We have thoroughly discussed the government's case against me
and my potential defenses to the government's case. My lawyer
has explained to me each element of the crime charged and how
the government would offer to prove these elements beyond a
reasonable doubt.

(5) I understand that the statutory penalty for the
offense(s) with which I am charged is up to _____ years
imprisonment, up to \$ _____ fine, a period of
supervised release of no more than _____ years, \$ _____
of restitution, and a mandatory special assessment of \$ _____
per count as provided in 18 U.S.C. § 3013. As to the count(s)
to which I am offering to plead guilty, I understand that the
statutory penalty for the offense(s) with which I am charged is
up to _____ years imprisonment, up to \$ _____
fine, a period of supervised release of no more than _____
years, \$ _____ of restitution, and a mandatory
special assessment of \$ _____ per count as provided in 18
U.S.C. § 3013.

I have been advised that I will be sentenced under the sentencing provisions of the Comprehensive Crime Control Act of 1984, pursuant to guidelines established by the United States Sentencing Commission. I also understand that the Judge shall impose a sentence within the guideline range unless the court finds, and states on the record, any mitigating or aggravating circumstances that were not adequately taken into consideration by the Sentencing Commission in formulating the guidelines. I also understand that, if the court fails to follow the guidelines or improperly applies the guidelines, I have a right to a review of my sentence by the United States Court of Appeals for the Sixth Circuit. I have been advised by my attorney that the guideline range in my case should be from _____ to _____ months. I realize that this is simply my attorney's estimate and that my guideline range will be calculated by the United States Probation Officer who prepares the presentence report in my case, subject to challenge by either me or the government with the final guideline calculation based upon the factual and legal findings of the court. These findings are subject to appeal.

I further understand that, as a part of any sentence of imprisonment I receive, I may be sentenced to a mandatory period of supervised release and that, if I violate the terms of that supervised release, upon revocation I could be imprisoned for a term equal to the entire period of supervised release. If I am charged with more than one offense, I understand that the sentencing guidelines take this into consideration and it may result in a longer sentence whether or not I plead guilty to more than one offense. I have been informed that under the present federal sentencing system I will not be subject to parole and I will receive only 54 days good time per year and it will not vest until the end of each year. I further understand that I will be sentenced to a mandatory fine to be calculated through the guidelines unless the Judge finds me indigent and unable to pay any fine. Considered in this fine will be the amount of financial loss to the victim or gain to me as well as the costs of any confinement or probation supervision.

I understand that, should this plea of guilty be accepted, I will be a convicted felon in the eyes of the law for the rest of my life. This means, under present law, that:

- (a) I cannot vote in Tennessee;
- (b) I cannot possess a firearm anywhere;
- (c) If I am presently on probation or parole, whether state or federal, the fact that I have been convicted may be used to revoke my probation or parole regardless of what sentence I receive on this case;
- (d) This conviction may be used as one of the necessary convictions a state would have to prove should they decide to prosecute me for being an habitual criminal. If I were convicted of being an habitual criminal I could be sentenced up to life imprisonment depending on state law;
- (e) I may have to disclose the fact that I am a convicted felon when applying for employment and such disclosure may result in my not getting some jobs and having difficulty in

getting others. If I have been convicted of certain drug offenses, my conviction may result in my losing entitlement to certain federal benefits pursuant to the Anti-Drug Abuse Act of 1988.

(6) I understand that I can plead "NOT GUILTY" to any or all offenses charged against me, and continue to plead "NOT GUILTY," and that if I choose to plead not guilty, the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right not to testify and no implication of guilt would arise by my failure to do so; (c) the right to be presumed innocent until such time, if ever, that the government proves my guilt beyond a reasonable doubt to the satisfaction of a court and jury; (d) the right to see and hear all the witnesses and to cross-examine any witness who may testify against me; (e) the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses, in my favor, and to testify in my own behalf if I choose to do so; (f) the right to have the assistance of counsel in my defense at all stages of the proceedings; (g) if I am convicted at such trial I have the right to appeal with a lawyer to assist me and the appeal will not cost me any money if I am indigent. I understand that if the court accepts my plea that there will be no jury trial and that I will be convicted of the count(s) to which I plead just as if a jury found me guilty of the charge(s) following a trial and that the court may impose sentence upon me within the limits set forth in the plea agreement stated in paragraph (10) herein.

(7) No officer or agent of any branch of government (federal, state or local), nor any other person, has told me what sentence I will receive. If there are any agreements between myself and my lawyer and the prosecution concerning my plea they are fully set forth in paragraph (10) below. I understand that, even with a plea agreement, no person can bind the Judge to give any particular sentence in my case and that, if the Judge decides to reject the plea agreement set forth in paragraph (10) below, I will be offered the opportunity to withdraw my plea and plead not guilty, if I desire, unless the government has only agreed to recommend a sentence to the court [Rule 11(e)(1)(B) of the Federal Rules of Criminal Procedure]. I hope to receive probation or some form of leniency but I am prepared to accept any punishment permitted by law which the judge may see fit to impose. I understand that I am not eligible for a sentence of probation if I receive any sentence of imprisonment or am convicted of a Class A or Class B felony punishable by twenty or more years imprisonment. I understand that, if the judge decides to make a recommendation about where I should serve any incarceration, the recommendation is not a promise or a guarantee, but only a recommendation and is not binding on the Bureau of Prisons which will make the final decision (after I am sentenced) about where I will be incarcerated.

(8) My lawyer has done all that anyone could do to counsel and assist me, and I understand the proceedings in this case against me. My lawyer has done all the investigation and research in this case that I have asked him or her to do and I am satisfied with his or her representation at this point.

(9) Fully understanding my rights to plead "NOT GUILTY" and fully understanding the consequence of my plea of guilty, I wish to plead "GUILTY" and respectfully request the court to accept my plea as follows:

(10) This plea is a result of a plea agreement between my lawyer and the prosecution under the provisions of Rule 11 of the Federal Rules of Criminal Procedure. The plea agreement is as follows:

(11) I offer my plea of "GUILTY" freely and voluntarily and of my own accord; also my lawyer has explained to me, and I feel and believe I understand, the statements set forth in the _____ (indictment/information), and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

(12) I am not under the influence of either drugs or alcohol.

(13) I pray that the court enter my plea of "GUILTY" as set forth in paragraph (9) of this petition, in reliance upon my statements made in this petition.

(14) Recognizing that the court may reserve acceptance of this plea pending the receipt of the pre-sentence report, I hereby waive the provisions of Rule 32, Fed. R. Crim. P. to the extent that such provisions conflict with 18 U.S.C. § 3552(d), and agree that the pre-sentence report may be disclosed to the United States Attorney, my counsel and myself, prior to the sentencing hearing.

Signed by me in open court under the penalties of perjury in the presence of my lawyer, this the _____ day of _____, 199____.

Defendant

ACKNOWLEDGEMENT OF GOVERNMENT ATTORNEY

The maximum punishment, plea and plea agreement (if any) are accurately stated above.

Attorney for Government

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for _____,
hereby certifies as follows:

(1) I have read and fully explained to _____
_____ all the accusations against my client in this case;

(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;

(3) In my opinion the plea of "GUILTY" as offered by my client in paragraph (9) of the foregoing petition, is voluntarily and understandingly made; and I recommend to the court that the plea of "GUILTY" be accepted and entered as requested in paragraph (9) of the foregoing petition.

Signed by me in open court in the presence of my client this _____ day of _____, 199____.

Attorney for Defendant

O R D E R

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of counsel and for all proceedings heretofore had in this case, it is ORDERED that the petition be granted and the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

DONE in open court this _____ day of _____
_____, 199__.

UNITED STATES DISTRICT JUDGE